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SUPREME COURT OF THE UNITED STATES

CITY OF LOS ANGELES ET AL. *v.* RONALD HELLER

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

No. 85–531. Decided April 21, 1986

PER CURIAM.

Respondent Ronald Heller sued petitioners, city of Los Angeles, and individual members of the Los Angeles Police Commission, and two Los Angeles police officers in the United States District Court for the Central District of California under the provisions of 42 U. S. C. § 1983. He claimed damages by reason of having been arrested without probable cause and having been the victim of excessive force in the making of the arrest. The incident arose as a result of the two Los Angeles police officers stopping him because of a suspicion that he was driving while intoxicated. In the words of the Court of Appeals for the Ninth Circuit:

> "The officers administered a series of field sobriety tests. Apparently dissatisfied with the results, the officers decided to take Heller to the station to undergo a breath test. When notified that he was under arrest, however, Heller became belligerent. One of the defendants, Officer Bushey, attempted to handcuff him. An altercation ensued. In the course of the struggle, Heller fell through a plate glass window." *Heller* v. *Bushey*, 759 F. 2d 1371, 1372–1373 (1985).

The District Court held a bifurcated trial, and first heard respondent's claims against the individual police officer.* The jury was instructed that Heller would make out his constitutional claim if he were arrested without reasonable

*The second of the two police officers named as defendants was granted summary judgment by the District Court.

cause, or if he were arrested with "unreasonable force" that exceeded the force necessary under the circumstances to effect arrest. *Id.*, at 1374. The jury was not instructed on any affirmative defenses that might have been asserted by the individual police officer. Tr. in No. 80–2643 (CD Cal.), pp. 803–822, 843. The jury returned a verdict for the defendant police officer and against respondent. The District Court then dismissed the action against the petitioners, concluding that if the police officer had been exonerated by the jury there could be no basis for assertion of liability against the city or the persons constituting its police commission.

Respondent appealed to the Court of Appeals for the Ninth Circuit, and that court reversed the judgment of the District Court dismissing respondent's case against the petitioners even though it did not disturb the verdict for the defendant police officer. Respondent urged, and the Court of Appeals apparently agreed "that the jury could have believed that Bushey, having followed Police Department regulations, was entitled in substance to a defense of good faith. Such a belief would not negate the existence of a constitutional injury" (footnote omitted). 759 F. 2d, at 1373–1374.

The difficulty with this position is that the jury was not charged on any affirmative defense such as good faith which might have been availed of by the individual police officer. Respondent contends in his brief in opposition to certiorari that even though no issue of qualified immunity was presented to the jury, the jury might nonetheless have considered evidence which would have supported a finding of such immunity. But the theory under which jury instructions are given by trial courts and reviewed on appeal is that juries act in accordance with the instructions given them, see *Aspen Skiing Co.* v. *Aspen Highlands Skiing Corp.*, 472 U. S. ——, —— (1985), and that they do not consider and base their decisions on legal questions with respect to which they are not charged. We think that the Court of Appeals'

search for ambiguity in the verdict was unavailing; as that court itself noted later in its opinion, "[b]ecause the instructions required a verdict for [respondent] if *either* the due process *or* the excessive force claim was found, the jury's verdict for the defendant required a negative finding on both claims." 759 F. 2d, at 1374, n. 3. This negative, it seems to us, was not only conclusive as to Officer Bushey, but also as to the city and its police commission. They were sued only because they were thought legally responsible for Bushey's actions; if the latter inflicted no constitutional injury on respondent, it is inconceivable that petitioners could be liable to respondent.

The Court of Appeals also stated:

> "We must conclude that the general verdict does not foreclose a finding that Heller suffered a constitutional deprivation. Heller's *Monell* claim survived the general verdict. . . . The jury verdict, of course, conclusively determined that there was probable cause to arrest Heller. On the other hand, it is equally clear that whether the application of force in accordance with Police Department regulations in this case exceeded constitutional limits has not been determined." *Id.*, at 1374–1375.

But this was an action for damages, and neither *Monell* v. *New York City Department of Social Services*, 436 U. S. 658 (1978), nor any other of our cases authorizes the award of damages against a municipal corporation based on the actions of one of its officers when in fact the jury has concluded that the officer inflicted no constitutional harm. If a defendant has suffered no constitutional injury at the hands of the individual police officer, the fact that the departmental regulations might have *authorized* the use of constitutionally excessive force is quite beside the point.

The petition for certiorari is granted, and the judgment of the Court of Appeals is reversed and the case remanded for further proceedings consistent with this opinion.

It is so ordered.

JUSTICE BRENNAN took no part in the consideration or decision of this case.